

Serial No.: 10/066,908
Atty. Docket: CG-716
Inventor: Montgomery

REMARKS

After entry of the enclosed amendment, Claims 1-3, 9, 30-31 and 41 remain pending in the present application. Please cancel claim 5 from the present application. Claims 1-3, 5, 9, 30-31 remain in the present application. Claims 36 and 38 are withdrawn from prosecution. Claims 4, 6-8, 10-29, 32-35 and 37 were previously canceled. Claim 41 has been added to more particularly point out and distinctly claim the present invention.

Oath/Declaration

The Examiner has stated that the Declaration is defective stating that the specification to which the Declaration is directed has not been adequately identified; the oath does not identify the state or foreign country of residence of each inventor; and that the declaration does not identify the mailing address of each inventor. Further the Examiner states that a new oath or declaration is required.

To the contrary, Applicant's attorney respectfully submits that the included application data sheet includes **BOTH** the city and state of residence of the inventor Gary V. Montgomery, and the mailing address of the aforementioned inventor. Further, the application data sheet includes the mailing address of both the assignee Rexam Medical Packaging, Inc. and the correspondence address for this law firm. As cited by the Examiner in the pending office action the residence information and mailing address of the inventor may be provided in the application data sheet. Further, the Declaration includes the application title and therefore is directed to the proper specification. Thus, Applicant's

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attorney is confused as to the Examiner's assertion that the Declaration is defective and requests further clarification if necessary.

Drawings

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p) (5) because they do not include the reference numeral "200" cited as the stop mechanism. Applicant's attorney has included herewith a copy of Figure 4 amended to include reference numeral 200 and a lead line. Applicant's attorney respectfully requests the Examiner withdraw this ground of objection.

Claim Objections

The Examiner has objected to claims 1 and 30 for including informalities. Applicant's attorney has amended the Claims 1 and 30 by deleting the terms "said skirt" and replacing with the term "said top wall".

35 U.S.C. § 112, 2nd Paragraph Rejection of Claim 9

The Examiner has rejected claim 9 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant's attorney asserts that claim 9 is still pending in the present application.

35 U.S.C. §102 Rejection of Claims 1-3, 5, 9 and 30

The Examiner has rejected claims 1-3, 5, 9 and 30 under 35 U.S.C. §102 as being anticipated by King and DeFelice. Applicant's attorney has amended independent claims 1 and 30 rendering said rejection moot.

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Applicant's attorney has amended claims 1 and 30 to include further description of the on-direction stop mechanism which is not shown in the prior art of record. As a result, Applicant's attorney believes the current amendment overcomes the Examiner's rejection and respectfully requests this ground of rejection removed.

35 U.S.C. §103 Rejection of Claim 31

The Examiner has rejected Claim 31 as being unpatentable over DeFelice in view of Ochs et al. under 35 U.S.C. §103(a). Applicant's attorney has amended Claim 30 rendering said rejection moot.

Applicant's attorney has amended Claim 30, from which Claim 31 depends, to further describe the on-direction stop mechanism. Applicant's attorney asserts that the newly amended limitations are not shown in the prior art of record and respectfully requests this ground of rejection be removed.

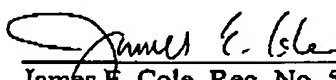
CONCLUSION

Applicant's attorney urges that the instant application is now in condition for allowance. However, if the Examiner believes there are other unresolved issues in this case, Applicant's attorney of record would appreciate a collect call at (502) 584-1135 to discuss such remaining issues.

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Respectfully submitted,
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